

July 7, 2005

Honorable Mayor and Members of
the Hermosa Beach City Council

Regular Meeting of
July 12, 2005

**ALTERNATIVE ORDINANCE FOR THE CONSIDERATION
BY THE VOTERS FOR CONTROLLING IMPROVEMENTS
ON THE GREENBELT AND ON THE BEACH**
Continued from the meeting of 6/28/05

Recommendation:

That the City Council consider the following options regarding the subject alternative ordinance and initiative ordinance.

1. Take no action on the initiative, set for the November ballot;
2. Place a competing measure on the ballot; or,
3. Decide to oppose the initiative.

Background:

At its meeting of June 28, 2005, the City Council reviewed the staff report regarding the alternative ordinance to the Ordinance Prohibiting Construction of New Public Improvements on the Beach and on the Greenbelt. Following a discussion of the alternative ordinance and comments from the proponents of the initiative ordinance regarding the intent of the authors, a sub-committee of Mayor Reviczky, and Councilmember Keegan was formed to meet with the proponents to determine whether or not the several concerns regarding existing improvements and activities could be addressed. The sub-committee, proponents, City Attorney and City Manager met and discussed the concerns. A representative of the proponents and the City Manager met later to work on language that the proponents may consider using to express their intent regarding the meaning and scope of the initiative measure in their ballot argument. This information will be forwarded to each of you when it is received and I expect this to be provided to me on Monday, July 11, 2005. Depending on the information that the proponents provide, the City Council may conclude that it is satisfied with the proponent's statement of intent to be included in a ballot argument, which would have some evidentiary value if the measure were to be subject to interpretation in a lawsuit. If this becomes the case then the City Council would not have to take any action.

Staff has, as a result of the meeting with the sub-committee and proponents, revised the alternative ordinance. A copy of the revised ordinance and the first draft is attached. This, of course, can still be modified by the City Council prior to it being placed on the ballot should that be the direction that you decide to take. If it is to be placed on the ballot, staff will return at the July 26, 2005 meeting with a resolution placing it on the ballot.

As a third option, the City Council may determine that initiative measure is overly restrictive and ambiguous, and determine to oppose it.

Respectfully submitted,

Stephen Burrell
City Manager

**AN ORDINANCE OF THE CITY OF HERMOSA
BEACH CONTROLLING IMPROVEMENTS ON
THE GREENBELT AND ON THE BEACH**

The People of the City of Hermosa Beach do ordain as follows:

Section 1. Sections 17.32.030 and 17.32.040 of the Hermosa Beach Municipal Code are amended to read as follows:

17.32.030 Permitted improvements.

Improvements permitted in the O-S-1 zone shall be limited to the following:

- A. Greenbelt. Landscaping; erosion control devices; irrigation facilities; anti-seawater intrusion facilities and wells; subsurface pipes, conduits and other utility infrastructure; and replacement or repair of parking facilities existing on November 1, 2005 within their existing footprint.
- B. Beach. Maintenance, repair and replacement of existing improvements and facilities; temporary facilities erected for permitted special events; improvements required for health, safety and sanitation; and subsurface pipes, conduits and utility infrastructure.

17.32.040 Areas designated.

The following areas shall be designated and zoned O-S-1:

- A. Greenbelt. Bounded on the north and south by the city limits, on the east by the curb face on Ardmore Avenue and on the west by the curb face on Valley Drive (the "Greenbelt").
- B. Beach. Bounded on the north and south by the city limits, on the east by the existing wall on the Strand and on the west by the ocean (the "Beach").

Section 2. The provisions of this Ordinance shall not be modified, amended or repealed except by a vote of the People.